

§ 982.205 Waiting list: Single list; area covered.

(a) *Tenant-based programs: Number of waiting lists.* (1) An HA must use a single waiting list for admissions to its tenant-based certificate and voucher programs. The HA may use a separate waiting list for such admissions for an area not smaller than a county or municipality.

(2) An HA must use the same waiting list for admission to its tenant-based certificate and voucher programs.

(b) *Merger and cross-listing—(1) Merged waiting list.* An HA may merge the waiting list for tenant-based assistance with the HA waiting list for admission to another assisted housing program, including a federal or local program. In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.

(2) *Non-merged waiting list: Cross-listing.* If the HA decides not to merge the waiting list for tenant-based assistance with the waiting list for the HA's public or Indian housing program, project-based certificate program or moderate rehabilitation program:

(i) If the HA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the HA's public or Indian housing program, project-based certificate program or moderate rehabilitation program, the HA must offer to place the applicant on its waiting list for tenant-based assistance.

(ii) If the HA's waiting list for its public or Indian housing program, project-based certificate program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, the HA must offer to place the applicant on its waiting list for the other program.

(c) *Other housing assistance: Effect of application for, receipt or refusal.* (1)(i) The HA may not take any of the following actions because an applicant has applied for, received or refused other housing assistance:

(A) Refuse to list the applicant on the HA waiting list for tenant-based assistance;

(B) Deny any admission preference for which the applicant is currently qualified; or

(C) Remove the applicant from the waiting list.

(ii) For this purpose, "other housing assistance" means a federal, State or local housing subsidy, as determined by HUD, including public or Indian housing. However, the HA may remove such applicants from the waiting list in accordance with § 982.204(c).

(2) If an applicant refuses offers of tenant-based assistance under both the certificate program and the voucher program, the HA may remove the applicant from the waiting list for tenant-based assistance.

(3) See § 982.210(c)(4) for provisions concerning retention of federal preference by an applicant that either:

(i) Receives assistance under the HOME program, or

(ii) Resides in the HA's public or Indian housing.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) *Public notice.* (1) When the HA opens a waiting list, the HA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The HA must give the public notice by publication in a local newspaper of general circulation, and also by minority media.

(3) The public notice must state any limitations on who may apply for available slots in the program.

(b) *Criteria defining what families may apply.* (1) The HA may adopt criteria defining what families may apply for assistance under a public notice.

Example A

The HA decides that applications will only be accepted from families that qualify for federal preference, or from homeless federal preference families.

Example B

In admission to the program, the HA must give preference to elderly families, displaced families and displaced persons over other single persons (24 CFR 812.3). The HA decides that applications from other single persons will not be accepted.

(2) If the waiting list is open, the HA must accept applications from families for whom the list is open unless there is good cause for not accepting the applications (such as a denial of assistance because of action or inaction by members of the family) for the grounds stated in § 982.552.

(c) *Closing waiting list.* (1) If the HA determines that the existing waiting list contains an adequate pool for use of available program funding, the HA may stop accepting new applications, or may accept only applications meeting criteria adopted by the HA.

(2) Even if the HA is not otherwise accepting additional applications, the HA must accept applications from applicants who claim a federal preference unless the HA determines that the waiting list already contains an adequate pool of applicants who are likely to qualify for a federal preference.

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[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 60 FR 45661, Sept. 1, 1995]

§ 982.207 Waiting list: Use of preferences.

(a) The HA must use the following to select among applicants on the waiting list with the same preference status:

- (1) Date and time of application; or
- (2) A drawing or other random choice technique.

(b)(1) The method for selecting applicants from preference categories must be consistent with requirements governing federal preference and the singles preference, as described in 24 CFR part 5.

(2) In its system for applying the preferences described in 24 CFR part 5, the following provisions apply:

- (i) The HA may limit the number of applicants that may qualify for any ranking preference or local preference.

- (ii) The local preference limit only applies to admission of an applicant from the HA waiting list. A special admission is not counted against the local preference limit.

- (iii) The local preference limit does not apply when an applicant is received in an HA program under portability procedures. The admission of a portability family by a receiving HA does not count against the receiving HA local preference limit. The admission of such a family (not qualified for federal preference) counts against the local preference limit of the initial HA.

(c) The method for selecting applicants from preference categories must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

[61 FR 9048, Mar. 6, 1996]

Subpart F—[Reserved]

Subpart G—Leasing a Unit

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.301 Information when family is selected.

(a) *HA briefing of family.* (1) When the HA selects a family to participate in a tenant-based program, the HA must give the family an oral briefing. The briefing must include information on the following subjects:

- (i) A description of how the program works;
- (ii) Family and owner responsibilities; and
- (iii) Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction.

(2) For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.

- (3) If the family is currently living in a high poverty census tract in the HA's